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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/923,696
Filing Date: August 06, 2001
Appellant(s): GUTFLEISCH ET AL.

Yonghong Chen
Lerner and Greenberg, P.A.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 08, 2005 appealing from the Office action mailed October 04, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,082,263	Koguchi et al.	7-2000
5,317,970	Nussel et al.	6-1994
5,644,986	Gydesen	7-1997
6,148,728	Shin et al.	11-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The rejection is set forth in a prior Office Action, mailed on October 04, 2004.

Claims 1-3, 6, 9, 16-18, 21 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Koguchi et al.

Koguchi et al. teaches a method and a device for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner, irreversibly clearing all image information on the surface of a printing form (Koguchi et al., col.4 lines 57-61).

Claims 4 and 19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Koguchi et al. in view of Nussel et al.

Koguchi et al. teaches a method for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner. Koguchi et al. does not teach the use of a gaseous clearing medium for treating the printing form. Nussel et al. teaches the use of a gaseous clearing medium for treating the printing form (Nussel et al., col.2, the second paragraph). In view of the teaching of Nussel et al., it would have been obvious to one of ordinary skill in the art to modify the method of Koguchi et al. by using the

gaseous clearing medium for treating the printing form as taught by Nussel et al. for uniformly treating the printing form.

Claims 5, 15, 20 and 25 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Koguchi et al. in view of Gydesen.

With respect to claims 5 and 20, Koguchi et al. teaches a method for clearing a re-imageable printing form with a fluid clearing medium in a non-abrasive manner. Koguchi et al. does not teach the use of ultrasound during treatment of the printing form with fluid clearing medium. Gydesen teaches the use of ultrasound with cleaning medium (Gydesen, claim 4). In view of the teaching of Gydesen, it would have been obvious to one of ordinary skill in the art to modify the method of Koguchi et al. providing the use of ultrasound with fluid clearing medium during the treatment of the printing form as taught by Gydesen for optimum cleaning a forming cylinder.

With respect to claims 15 and 25, Koguchi et al. teaches the step of treating the printing form which is performed in a printing machine. Also, note that the use of a clearing device outside a printing machine for clearing a printing form is conventional.

Claim 13 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Koguchi et al. in view of Nussel et al. as applied to claims 4 and 19 above, and further in view of Shin et al.

Koguchi et al. and Nussel et al. teach the method as recited except for the step of removing the printing form from the influence of light during the treatment with the gaseous medium. Shin et al. teaches a method for cleaning a printing plate which includes the step of removing the printing plate from the influence of light during treatment of the printing plate as shown in Fig.1, step 4. (also, see Shin et al. col.6 line 21-27). It would have been obvious to one of ordinary skill in the art to modify the method of Koguchi et al. and Nussel et al. by providing the step of removing the printing

from the influence of light as taught by Shin et al. for ensuring optimal plate or printing form quality.

Claims 7-8,10-12, 14 and 22-24 are rejected under 35 U.S.C. § 103 (a) as being Koguchi et al.

With respect to claims 7,8,14,22 and 23, Koguchi et al. teaches all that is claimed, except for the hot-air blower and the step of exposing the printing form to higher atmospheric pressure and oxygen gas during treatment which are not clearly shown. However, the use of a hot-air blower and the step of exposing the printing form to higher atmospheric pressure or oxygen gas during treatment is well known in the art. It would have been obvious to one of ordinary skill in the art to modify the method and structure of Koguchi et al. by providing a hot-air blower and the step of exposing the printing form to higher atmospheric pressure or oxygen gas during treatment for optimum clearing effects.

With respect to claims 10,11 and 24, the selection of a desired fluid clearing medium such as acid or an alkali or a base and a sprayer would be obvious through routine experimentation depending upon the material of the printing form in order to get best possible cleaning the printing form.

(10) Response to Argument

Group I : Claims 1-3, 6,9, 16-18,21 and 26.

Appellant argues that Koguchi et al. does not clear all image information adhering to the surface of the printing form, and that Koguchi et al. teaches the method for only clearing ink adhering to the surface of the printing form and that the image information is erased by the use of active light.

It is noted that Appellant's specification (page 7 lines 17-23) states that water and acid can be used as the fluid clearing medium. Koguchi et al. meets the steps as recited in the claims since the fluid in Koguchi et al. clears all image information i.e. after the step of treating the printing form with fluid, there is no image information that can be printed on a blank sheet without applying ink to the printing form. It is the examiner's position that since the fluid in Koguchi et al. clears all the ink on the printing form, this fluid irreversibly clears all image information on the outer surface of the printing form. Appellant appears to be arguing that the phrase "all image information" in the claims means clearing more then just ink. The examiner disagrees with this position since there is nothing in the claims to limit the phrase to clearing more then just ink. Since ink is image information on the surface of the printing form, cleaning the ink is "clearing all image information on a surface of the printing form". Also, as stated above, Appellant's specification defines the clearing fluid as being either water or acid. Since water would clear the printing form in similar manner as Koguchi et al., the examiner's interpretation of the claims is consistent with appellant's specification.

On page 7 of the Brief, Appellant argues that the examiner's position that the "image information on a surface of a printing plate is inherently irreversible after end of printing" is incorrect.

As explained above, the image information is irreversible after end of printing since the fluid is used for clearing the printing form. Clearly, no image information could be appear on the sheet once the ink is cleaned.

Group II : Claims 4 and 19.

Appellant argues that Nussel et al. is irrelevant because Nussel et al. teaches the use of gas for removing particles as stated in the abstract. Appellant asserts that an "abrasion" means is used to remove particles in Nussel et al.

However, Nussel et al. teaches that the "applying an ionized process gas to the printing form causes a reactive erasing process or removal process" (Nussel et al., col.2 lines 29-35). So, the "abrasion means" is not used in Nussel et al. Note, also, Nussel et al. specifically states that the process "eliminates any physical engagement of attack on the surface of the printing plate" (Nussel et al., col.2 lines 58 and 59). Therefore, the combination of Koguchi et al. and Nussel et al. renders obivious the step and structure as recited in claims 4 and 19.

Group III : Claims 5, 15, 20 and 25.

Applicant does not provide any specific arguments with respect to Koguchi et al. and Gydesen. Accordingly, this Group will stand or fall with Group I.

Group IV : Claim 13.

Applicant does not provide any specific arguments with respect to Koguchi et al., Nussel et al. and Shin et al. Accordingly, this Group will stand or fall with Group II.

Group V : Claims 7-8, 10-12, 14 an 22-24.

Applicant does not provide any specific arguments with respect the rejection of this Group. Accordingly, this Group will stand or fall with Group I.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Anthony Nguyen

Conferees:

AHH

Andrew Hirshfeld

Ricky Mack